

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MIAMI VALLEY FAIR HOUSING CENTER, INC., <i>et al.</i> ,	:	Case No. 3:08-cv-150
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael J. Newman
	:	
vs.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 483)

The Court has reviewed the September 13, 2012 Report and Recommendation of United States Magistrate Judge Michael J. Newman (doc. 483), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b)(2) has expired, hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED** as follows:

1. The Clerk is **ORDERED** to remove the “terminated” status on the following Third-Party and Fourth-Party Defendants: Alpine Insulation Co., Inc.; Alpine Plumbing, Inc.; Barsto Construction, Inc.; Blake-Stevens Wood Flooring, Inc.; Donovan & Jorgensen, Inc.; Gould Evans Associates, LLC; Hunzinger Construction Company; La Force, Inc.; Lakeside Stoneworks, LLC; Lutjen, Inc.; Mandel Development, Inc.; Mandel Group, Inc.; Mega Industries Corporation; Meleca Architecture, Inc.; Miller’s Carpet Company, Inc.; R.D. Jones & Associates, Inc.; Robben Construction, LLC; Roman Electric Co., Inc.; TransSystems Corporation; Walton Construction Company, LLC; Baker Concrete Construction, Inc.; John R. Jurgensen Co.; Woolpert, Inc.; Builders First Source, Inc.; Dyke Industries, Inc.; Sullivan Builders, Inc.; Carey Electric Co.; and M & L Electric, Inc.;

2. Plaintiffs' claims against Defendant Development Design Group, Inc. are **DISMISSED WITH PREJUDICE**, and the Clerk is **ORDERED** to terminate it as a party as a party on the docket of this matter;
3. Plaintiffs' claims against Defendant Corna Kokosing Construction Company are **DISMISSED WITH PREJUDICE**, and the Clerk is **ORDERED** to terminate it as a party as a party on the docket of this matter;
4. Third-Party Defendants Woolpert, Inc. and Hunzinger Construction Co. are **AFFORDED TEN DAYS** to file claims against Meacham & Apel Architects, Inc. If no such claim is filed within that time frame, then (i) Plaintiffs and Meacham & Apel Architect, Inc.'s joint motion to dismiss (doc. 440) will be **GRANTED**; (ii) Plaintiffs' claims against Defendant Meacham & Apel, Architects, Inc. will be **DISMISSED WITH PREJUDICE**; (iii) all of Meacham & Apel Architect Inc.'s third-party claims against Alpine Insulation Co., Inc.; Alpine Plumbing, Inc.; Donovan & Jorgenson, Inc.; La Force, Inc., Lakeside Stoneworks, LLC; Mandel Development, Inc.; Mandel Group, Inc.; Miller's Carpet Co., Inc.; R.D. Jones & Associates, Inc.; Robben Construction, LLC; and Roman Electric, Inc. will be **DISMISSED WITHOUT PREJUDICE**; and (iv) the Clerk will be **ORDERED** to terminate Meacham & Apel as a party a party on the docket of this matter; and
5. The Clerk is **ORDERED** to mail a copy of this Order to all of the aforementioned parties.

October 4, 2012.

*s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge